

§ 6.36

the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the FEDERAL REGISTER.

[65 FR 1298, Jan. 10, 2000]

§ 6.36 Miscellaneous.

(a) If any deadline date in this subpart falls on a Saturday, Sunday or a Federal holiday, then the deadline shall be the next business day.

(b) All submissions required under this subpart shall be made either by registered or certified mail, return receipt requested, with a postmarked receipt, with proper postage affixed and properly addressed to the Dairy Import Licensing Group, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington DC

7 CFR Subtitle A (1–10 Edition)

20250–1021, or by electronic submission utilizing the electronic software designated for this purpose by the Licensing Authority.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000; 69 FR 59764, Oct. 6, 2004]

§ 6.37 Supersedure of Import Regulation 1, Revision 7.

This subpart will supersede the provisions of Import Regulation 1, Revision 7 heretofore in effect (§§ 6.20 through 6.33 and appendices 1 through 3 as contained in 7 CFR subtitle A revised as of January 1, 1996). With respect to any violation of the provisions of that regulation by a licensee prior to the effective date hereof, the provisions of that regulation will be deemed to continue in full force; however, the debarment and suspension of § 6.31 of this subpart shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

APPENDICES 1, 2 AND 3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009

[Quantities in kilograms]

| Article by additional U.S. note number and country of origin | Appendix 1 | Appendix 2 | Appendix 3 | |
|--|------------|------------|-------------|---------------|
| | | | Tokyo round | Uruguay round |
| NON-CHEESE ARTICLES | | | | |
| BUTTER (NOTE 6) | 5,278,428 | 1,698,572 | ..... |  |
| EU-25 | 75,459 | 20,702 | ..... |  |
| New Zealand | 111,671 | 38,922 | ..... |  |
| Other Countries | 52,986 | 20,949 | ..... |  |
| Any Country | 5,038,312 | 1,617,999 | ..... |  |
| DRIED SKIM MILK (NOTE 7) ..... | ..... | 5,261,000 | ..... |  |
| Australia ..... | ..... | 600,076 | ..... |  |
| Canada ..... | ..... | 219,565 | ..... |  |
| Any Country ..... | ..... | 4,441,359 | ..... |  |
| DRIED WHOLE MILK (NOTE 8) | 3,175 | 3,318,125 | ..... |  |
| New Zealand | 3,175 | ..... | ..... |  |
| Any Country ..... | ..... | 3,318,125 | ..... |  |
| DRIED BUTTERMILK/WHEY (NOTE 12) | 11,000 | 213,981 | ..... |  |
| Canada ..... | ..... | 161,161 | ..... |  |
| New Zealand | 11,000 | 52,820 | ..... |  |
| BUTTER SUBSTITUTES CONTAINING OVER 45 PER- CENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) ..... | ..... | 6,080,500 | ..... |  |
| Any Country ..... | ..... | 6,080,500 | ..... |  |
| TOTAL: NON-CHEESE ARTICLES | 5,292,603 | 16,572,178 | ..... |  |

Office of the Secretary, USDA

\$6.37

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and country of origin | Appendix 1 | Appendix 2 | Appendix 3 | |
|---|------------|------------|-------------|---------------|
| | | | Tokyo round | Uruguay round |
| CHEESE ARTICLES | | | | |
| CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16) | 23,018,053 | 8,451,678 | 9,661,128 | 7,496,000 |
| Argentina | 7,690 | ..... | 92,310 | ..... |
| Australia | 535,628 | 5,542 | 758,830 | 1,750,000 |
| Canada | 1,013,777 | 127,223 | ..... | ..... |
| Costa Rica ..... | ..... | ..... | ..... | 1,550,000 |
| EU-25 | 15,878,329 | 7,389,327 | 1,132,568 | 3,446,000 |
| Of which Portugal is | 65,838 | 63,471 | 223,691 | ..... |
| Israel | 79,696 | ..... | 593,304 | ..... |
| Iceland | 294,000 | ..... | 29,000 | ..... |
| New Zealand | 4,389,093 | 426,379 | 6,506,528 | ..... |
| Norway | 124,982 | 25,018 | ..... | ..... |
| Switzerland | 593,952 | 77,460 | 548,588 | 500,000 |
| Uruguay ..... | ..... | ..... | ..... | 250,000 |
| Other Countries | 100,906 | 100,729 | ..... | ..... |
| Any Country ..... | ..... | 300,000 | ..... | ..... |
| BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17) | 2,285,947 | 195,054 | ..... | 430,000 |
| Argentina | 2,000 | ..... | ..... | ..... |
| EU-25 | 2,283,946 | 195,054 | ..... | 350,000 |
| Chile ..... | ..... | ..... | ..... | 80,000 |
| Other Countries | 1 | ..... | ..... | ..... |
| CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18) | 3,596,515 | 687,341 | 519,033 | 7,620,000 |
| Australia | 916,205 | 68,294 | 215,501 | 1,250,000 |
| Chile ..... | ..... | ..... | ..... | 220,000 |
| EU-25 | 52,404 | 210,596 | ..... | 1,050,000 |
| New Zealand | 2,525,360 | 271,108 | 303,532 | 5,100,000 |
| Other Countries | 102,546 | 37,343 | ..... | ..... |
| Any Country ..... | ..... | 100,000 | ..... | ..... |
| AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19) | 2,720,253 | 445,300 | 357,003 | ..... |
| Australia | 780,380 | 100,618 | 119,002 | ..... |
| EU-25 | 145,148 | 208,852 | ..... | ..... |
| New Zealand | 1,644,084 | 117,915 | 238,001 | ..... |
| Other Countries | 150,641 | 17,915 | ..... | ..... |
| EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20) | 5,135,020 | 471,382 | ..... | 1,210,000 |
| Argentina | 110,495 | 14,505 | ..... | 110,000 |
| EU-25 | 4,905,445 | 383,555 | ..... | 1,100,000 |
| Norway | 114,318 | 52,682 | ..... | ..... |
| Other Countries | 4,762 | 20,640 | ..... | ..... |
| ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA—NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21) | 6,411,744 | 1,108,803 | 795,517 | 5,165,000 |
| Argentina | 3,915,276 | 210,207 | 367,517 | 1,890,000 |
| EU-25 | 2,496,468 | 885,532 | ..... | 2,025,000 |

§ 6.40

7 CFR Subtitle A (1–1–10 Edition)

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009—Continued

[Quantities in kilograms]

| Article by additional U.S. note number and country of origin | Appendix 1 | Appendix 2 | Appendix 3 | |
|--|------------|------------|-------------|---------------|
| | | | Tokyo round | Uruguay round |
| Romania ..... | ..... | ..... | ..... | 500,000 |
| Uruguay ..... | ..... | ..... | 428,000 | 750,000 |
| Other Countries ..... | ..... | 13,064 | ..... | ..... |
| SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22) | 5,341,056 | 1,310,258 | 823,519 | 380,000 |
| EU–25 | 4,071,866 | 1,080,128 | 393,006 | 380,000 |
| Switzerland | 1,235,692 | 183,795 | 430,513 | ..... |
| Other Countries | 33,498 | 46,335 | ..... | ..... |
| CHEESE AND SUBSTITUTES FOR CHEESE, CON- TAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PRO- VIDED FOR IN THIS SUBCHAPTER), AND MAR- GARINE CHEESE (NOTE 23) | 1,867,826 | 2,557,092 | 1,050,000 | ..... |
| EU–25 | 1,867,825 | 2,557,092 | ..... | ..... |
| Israel ..... | ..... | ..... | 50,000 | ..... |
| New Zealand ..... | ..... | ..... | 1,000,000 | ..... |
| Other Countries | 1 | ..... | ..... | ..... |
| SWISS OR EMMENTHALER CHEESE WITH EYE FOR- MATION (NOTE 25) | 15,999,980 | 6,297,351 | 9,557,945 | 2,620,000 |
| Argentina ..... | ..... | 9,115 | 70,885 | ..... |
| Australia | 209,698 | ..... | 290,302 | ..... |
| Canada ..... | ..... | ..... | 70,000 | ..... |
| EU–25 | 11,188,057 | 5,288,771 | 4,003,172 | 2,420,000 |
| Iceland | 149,999 | ..... | 150,001 | ..... |
| Israel | 27,000 | ..... | ..... | ..... |
| Norway | 3,187,264 | 468,046 | 3,227,690 | ..... |
| Switzerland | 1,178,377 | 505,728 | 1,745,895 | 200,000 |
| Other Countries | 59,585 | 25,691 | ..... | ..... |
| TOTAL: CHEESE ARTICLES | 66,376,394 | 21,524,259 | 22,764,145 | 24,921,000 |

[72 FR 53913, Sept. 21, 2007, as amended at 73 FR 50875, Aug. 29, 2008; 74 FR 41033, Aug. 14, 2009]

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96–39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States

(i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member